



COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR,  
PRUDENTIAL BUILDING,  
195 NORTH TERRACE,  
ADELAIDE

In reply quote No.

DIVORCE

SOUTH AUSTRALIA

1964

SCOPE

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1964 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act 1959, which came into operation on 1st February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:-

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

In 1961 only 79 of the 718 decrees absolute granted for dissolution were for petitions filed under the new legislation; but in 1962 decrees absolute for dissolution granted on petitions filed under the new legislation numbered 487 in a total of 685, 699 in a total of 765 in 1963, and 838 in a total of 887 in 1964. This fact should be taken into consideration when comparing figures for recent years in Tables 3 and 4.

If comparisons are made between this bulletin and previous issues it should be noted that some amendments have been incorporated into the numbers of orders granted during the years 1961 to 1963.

COMMENT

The number of petitions filed for dissolution has risen each year since 1960 and the 1,034 in 1964 is the highest yet filed in one year, the previous highest being 1,005 in 1963.

The principal grounds upon which petitions for dissolution of marriage were filed during 1964 were desertion (and desertion with other grounds) which totalled 372, and adultery (and adultery with other grounds) with a total of 276.

The higher level of numbers of orders absolute for dissolution reached in 1961 has been maintained. The 887 orders granted in 1964 is a record, the previous highest being 765 in 1963. The majority of orders absolute for dissolution of marriage (529 or 59.6 per cent) were granted in 1964 on the petition of wives.

Since 1961 some of the effects of the Commonwealth legislation are shown in the increased number of dissolutions granted on the ground of desertion (and desertion with other grounds) which increased from 215 in 1960 to 312 in 1964, and the number granted on the ground of separation which increased from 2 to 180 in the five years.

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TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1957 TO 1964

Particulars	Years							
	1957	1958	1959	1960	1961	1962	1963	1964
<b>PETITIONS</b>								
Dissolution	767	791	789	781	865	910	1,005	1,034
Nullity of marriage	11	5	6	8	9	4	5	5
Dissolution or Nullity of marriage	-	-	-	-	-	1	1	2
Judicial separation	-	-	1	-	3	1	3	4
Total	778	796	796	789	877	916	1,014	1,045
<b>ORDERS</b>								
Dissolution - Nisi	482	537	470	698	586	781	748	940
Absolute	529	483	503	610	718	685	765	887
Nullity of marriage - Nisi	5	10	5	11	8	3	4	4
Absolute	8	9	7	9	6	6	5	3
Judicial separation	1	5	-	-	-	1	-	-

It should be noted that fluctuations from year to year in the number of orders made may be independent of fluctuations from year to year in the number of petitions filed, because there is a considerable variation in the number of actions awaiting hearing at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1962 TO 1964

Grounds	1962			1963			1964		
	Petitioner								
	Hus-band	Wife	Total	Hus-band	Wife	Total	Hus-band	Wife	Total
DISSOLUTION OF MARRIAGE									
Single grounds -									
Adultery	139	88	227	132	112	244	149	98	247
Cruelty	2	115	117	3	121	124	4	150	154
Desertion	114	156	270	145	167	312	161	151	312
Drunkenness	1	7	8	1	10	11	1	17	18
Insanity	2	3	5	1	1	2	-	-	-
Separation	75	110	185	67	127	194	66	115	181
Other single grounds	1	6	7	2	3	5	1	5	6
Dual grounds -									
Adultery and desertion	7	4	11	12	4	16	10	6	16
Adultery and cruelty	-	4	4	-	13	13	1	12	13
Cruelty and drunkenness	-	10	10	-	13	13	1	13	14
Desertion and cruelty	-	9	9	-	5	5	1	13	14
Desertion and separation	21	17	38	22	27	49	22	24	46
Other dual grounds	4	4	8	-	8	8	1	6	7
Multiple grounds	2	9	11	1	8	9	2	4	6
Total	368	542	910	386	619	1,005	420	614	1,034
NULLITY OF MARRIAGE									
Bigamy	1	-	1	-	1	1	-	-	-
Incapacity to consummate	-	2	2	2	2	4	-	5	5
Invalid marriage	-	1	1	-	-	-	-	-	-
Total	1	3	4	2	3	5	-	5	5
DISSOLUTION OR NULLITY OF MARRIAGE									
Multiple grounds	1	-	1	1	-	1	1	1	2
JUDICIAL SEPARATION									
Adultery	-	-	-	1	1	2	-	1	1
Cruelty	-	1	1	-	1	1	-	2	2
Drunkenness	-	-	-	-	-	-	-	1	1
Total	-	1	1	1	2	3	-	4	4





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TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,  
SOUTH AUSTRALIA, 1957 TO 1964

Grounds	Year							
	1957	1958	1959	1960	1961	1962	1963	1964
Dissolution								
Adultery	190	203	175	274	235	174	202	243
Adultery and desertion					8	1	5	8
Adultery and separation					2	-	-	1
Adultery and cruelty	111	82	90	103	-	3	2	5
Cruelty					138	60	82	102
Cruelty and drunkenness					2	1	5	9
Cruelty and separation	206	184	218	215	-	-	1	-
Cruelty and sodomy					-	-	-	1
Desertion					289	301	269	268
Desertion and cruelty	9	4	4	9	2	4	3	6
Desertion and separation					1	1	16	34
Desertion and drunkenness					-	-	1	2
Desertion and refusal to consummate	2	1	3	4	-	-	1	-
Desertion and failure to pay maintenance					-	-	-	1
Desertion and presumption of death					-	-	-	1
Drunkenness	3	1	5	3	6	3	6	13
Drunkenness and separation					-	-	1	-
Failure to pay maintenance					4	1	2	1
Insanity	3	6	6	2	3	4	2	3
Separation (a)	3	2	2	-	23	130	162	180
Other single grounds	5	-	-	-	2	2	3	6
Multiple grounds	-	-	-	-	3	-	2	3
Total	529	483	503	610	718	685	765	887
Nullity								
Bigamy	2	2	-	1	2	3	2	-
Incapacity to consummate(b)	5	6	7	4	2	2	3	3
Invalid marriage	1	1	-	4	2	1	-	-
Total	8	9	7	9	6	6	5	3

NOTE: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

- (a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.
- (b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

In the immediate post-war period adultery was the main ground for dissolution of marriage; of the 1,953 orders absolute for dissolution granted in the three years 1945 to 1947 there were 1,197 for adultery compared with only 585 for desertion and 101 for habitual cruelty. Subsequently dissolutions on the ground of adultery have become much less frequent and since 1949 have exceeded those for desertion in only 1958 and 1960.



TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,  
SOUTH AUSTRALIA, 1957 TO 1964

Grounds	Year							
	1957	1958	1959	1960	1961	1962	1963	1964
ON PETITION OF HUSBAND								
Adultery					126	(b) 107	121	(b) 139
Adultery and desertion	121	126	108	172	5	1	3	6
Adultery and cruelty					-	1	-	-
Cruelty	6	5	-	4	5	1	2	3
Cruelty and drunkenness					-	-	-	-
Desertion					154	141	137	111
Desertion and cruelty					-	-	1	-
Desertion and separation	101	87	106	107	-	-	14	16
Desertion and presumption of death					-	-	-	1
Drunkenness	-	-	1	-	1	-	1	2
Insanity	2	-	3	1	2	3	1	1
Separation (a)	2	1	2	-	14	60	58	76
Other single grounds	1	1	-	-	-	-	-	2
Multiple grounds	-	-	-	-	(b) -	-	1	-
Total	233	220	220	284	(b) 307	(b) 314	339	(b) 357
ON PETITION OF WIFE								
Adultery					109	(b) 66	81	(b) 103
Adultery and desertion	69	77	67	102	3	-	2	2
Adultery and separation					2	-	-	1
Adultery and cruelty					-	2	2	5
Cruelty					133	59	80	99
Cruelty and drunkenness	105	77	90	99	2	1	5	9
Cruelty and separation					-	-	1	-
Cruelty and sodomy					-	-	-	1
Desertion					135	160	132	157
Desertion and cruelty					2	4	2	6
Desertion and separation					1	1	2	18
Desertion and drunkenness	105	97	112	108	-	-	1	2
Desertion and refusal to consummate					-	-	1	-
Desertion and failure to pay maintenance					-	-	-	1
Drunkenness	9	4	3	9	5	3	5	11
Drunkenness and separation					-	-	1	-
Failure to pay maintenance	2	1	3	4	4	1	2	1
Insanity	1	1	2	2	1	1	1	2
Separation (a)	1	5	4	2	9	70	104	104
Other single grounds	4	1	2	-	2	2	3	4
Multiple grounds	-	-	-	-	(b) 2	-	1	3
Total	296	263	283	326	(b) 410	(b) 370	426	(b) 529

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Excludes a dissolution granted to both husband and wife.

In all but four years since 1933 more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1964, 97.5 per cent of orders absolute for dissolution on petitions of husbands, but only 72.8 per cent on petitions of wives, were granted on three grounds (adultery, desertion, separation), or combinations of these three grounds. Cruelty (18.7 per cent) accounted for most of the other orders absolute for dissolution granted to wives.



TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,  
SOUTH AUSTRALIA, 1962 TO 1964

Age of Husband	1964									1963 Total	1962 Total
	Age of Wife								Total		
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated			
Under 20	43	8	2	-	-	-	-	-	53	38	38
20-24	132	236	28	3	-	-	-	-	399	352	285
25-29	56	109	63	10	5	-	2	-	245	187	197
30-34	12	29	33	19	6	1	-	-	100	89	68
35-39	2	7	10	12	9	3	2	-	45	43	45
40-44	-	3	3	5	4	1	4	-	20	23	21
45 and over	-	-	-	3	3	4	9	-	19	28	18
Not Stated	-	-	-	-	-	-	-	6	6	5	13
Total 1964	245	392	139	52	27	9	17	6	887		
1963	218	322	115	42	31	18	14	5		765	
1962	193	284	95	50	19	16	14	14			685

When analysing the figures shown in Tables 5, 6, and 7 it should be remembered that there are more existing marriages of short duration than of long duration

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND  
NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1961 TO 1964

Duration of Marriage	1964								1963 Total	1962 Total	1961 Total
	Number of Children (a)							Total			
	0	1	2	3	4	5	6 & Over				
0- 4	34	21	4	2	-	-	-	61	43	45	49
5- 9	69	71	42	20	3	2	-	207	202	167	224
10-14	36	49	48	33	12	4	1	183	172	172	165
15-19	30	33	55	40	15	8	4	185	166	129	118
20-24	22	28	31	17	15	6	3	122	90	81	85
25-29	24	18	21	5	2	-	-	70	58	47	26
30-34	21	6	2	1	1	1	-	32	12	23	29
35-39	13	1	2	-	-	-	-	16	10	7	16
40-44	6	-	-	-	-	-	-	6	10	4	3
45 and over	5	-	-	-	-	-	-	5	2	10	3
Total 1964	260	227	205	118	48	21	8	887	765	685	718
1963	243	199	166	94	51	6	6				
1962	236	194	140	60	40	11	4				
1961	292	165	140	68	31	14	8				

- (a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1961 to 1964 combine those granted under both the old and the new legislation (see page 1 for proportions) the information on children for each of these years is not strictly comparable with that for each previous year.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over. 28.3 per cent of the orders absolute granted in 1964 were for dissolution of marriages which had lasted for 20 years or more. This proportion had increased progressively from 15.3 per cent in 1958 to 25.1 per cent in 1962 but had fallen to 23.8 per cent in 1963.



TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,  
SOUTH AUSTRALIA, 1961 TO 1964

Age of Husband	1964								1963 Total	1962 Total	1961 Total
	Age of Wife							Total			
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated				
Under 25	16	3	1	-	-	-	-	20	12	8	16
25-29	39	46	6	-	-	-	-	91	80	71	72
30-34	11	59	66	9	3	-	-	148	127	103	154
35-39	3	21	48	65	17	3	-	157	148	142	132
40-44	1	4	9	56	52	15	-	137	137	105	113
45 and over	-	-	3	29	73	223	-	328	256	243	218
Not Stated	-	-	-	-	-	-	6	6	5	13	13
Total 1964	70	133	133	159	145	241	6	887	765	685	718
1963	48	123	124	139	131	195	5				
1962	48	98	124	125	93	183	14				
1961	57	116	154	124	90	163	14				

The proportion of those aged 45 or more at the time of dissolution of marriage increased between the years 1958 and 1962 - the proportion of husbands from 22.4 to 35.5 per cent and the proportion of wives from 15.1 to 26.7 per cent. In 1963 these proportions fell to 33.5 and 25.5 for husbands and wives respectively but in 1964 increased again to 37.0 per cent and 27.2 per cent. This trend, as would be expected, runs parallel to the increase in dissolved marriages with a duration of 20 years or more shown in Table 6.

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